

SIEMENS

PATENT

Attorney Docket No. 2000P24056WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Inventor:	R. Neuhaus)	Group Art Unit:	2618
)		
Serial No.:	10/748,584)	Examiner:	A. Perez
)		
Filed:	December 30, 2003)	Conf No.	8952
Title	SYSTEM FOR SWITCHING, CONTROLLING, PROGRAMMING AND OPERATING COMMUNICATION DEVICES			

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPELANTS BRIEF

This Appeal Brief relates to an appeal from the rejection of claims 1-4, 6-15, 18 and 20-24 in the Final Office Action mailed October 15, 2008.

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I. Real Party in Interest

The real party in interest is Siemens Aktiengesellschaft of Munich, Germany, the assignee of record.

II. Related Appeals and Interferences

There are no known related appeals or interferences.

III. Status of Claims

Claims 1-4, 6-15, 18, 20-24 are rejected. Claims 5, 16, 17, and 19 are canceled. No claims have been allowed. Claims are 1-4, 6-15, 18, 20-24 being appealed.

IV. Status of Amendments

No amendment has been filed subsequent to the rejection.

V. Summary of Claimed Subject Matter

Line number and page number references are in regards to the application submitted by Applicant.

A. Claim 1

Referring to Fig 1, Fig 2 and Fig 4, independent claim 1 recites a system for connecting, controlling, programming and/or operating at least one communication device (TE1, TE2, MOF, SYS), the communication device being a telecommunication system (SYS) or a telecommunication terminal (TE1, TE2, TE1', TE2', TE3', MOF), comprising:

an interface (IEE) (see e.g., page 2, line 29); and

at least one entertainment terminal (FER) having a display unit (ANZ) (see e.g., page 3 lines 3-4), the entertainment terminal (FER) connected to the communication device (TE1, TE2, TE1', TE2', TE3', MOF, SYS) via the interface (IEE) (see e.g., page 2 lines 25-29),

wherein the communication device (TE1, TE2, TE1', TE2', TE3', MOF, SYS) and the at least one entertainment terminal (FER) are configured to interchange information via the interface (IEE) (see e.g., page 2 lines 29-32),

wherein the communication device (TE1, TE2, TE1', TE2', TE3', MOF, SYS) automatically searches for an active entertainment terminal (FER) (see e.g., page 4 lines 5-9) in response to an activation of an administration mode of the communication device (TE1, TE2, TE1', TE2', TE3', MOF, SYS) (see e.g., page 4 line 9), the administration mode allows the communication device to be administered (see e.g., page 13 lines 7-10),

wherein the activation is initiated by a user directly interfacing with the communication device (TE1, TE2, TE1', TE2', TE3', MOF, SYS) (see e.g., page 4 lines 9-17),

wherein administration information that provides information for administering the communication device (TE1, TE2, TE1', TE2', TE3', MOF, SYS) is sent from the communication device (TE1, TE2, TE1', TE2', TE3', MOF, SYS) to the active entertainment terminal (FER) in response to finding an active entertainment terminal (FER) (see e.g., page 12 line 31 -page 12a line 1),

wherein a selection menu based on the administration information is displayed on the active entertainment terminal (FER) (see e.g., page 12 line 31 – page 12a line 1, and

wherein a selection of the user is sent from the active entertainment terminal (FER) to the communication device and the communication device is administered such that at least one parameter of the communication device is changed (see e.g., page 13 lines 1 – 10).

B. Claim 21

Referring to Fig 1, Fig 2 and Fig 4, independent claim 24 recites a method for programming a communication device, the communication device (TE1, TE2, TE1', TE2', TE3', MOF, SYS) being a telecommunication system (SYS) or a telecommunication terminal (TE1, TE2, TE1', TE2', TE3', MOF), the method comprising:

providing a interface connected to at least one entertainment terminal (FER) having a display unit and connected to the communication device (see e.g., page 2, lined 25 33);

automatically searching (1') for an active entertainment terminal (FER) by the communication device (TE1, TE2, TE1', TE2', TE3', MOF, SYS) in response to an activation of an administration mode of the communication device (TE1, TE2, TE1', TE2', TE3', MOF, SYS) (see e.g., page 4 lines 5-9), the administration mode allows the communication device (TE1, TE2, TE1', TE2', TE3', MOF, SYS) to be administered (see e.g., page 13 lines 7-10), the activation is initiated by a user directly interfacing with the communication device (see e.g., page 4 lines -17);

sending administration information (3') that provides information to administer the communication device to the entertainment terminal (FER) by the communication device (TE1, TE2, TE1', TE2', TE3', MOF, SYS) (see e.g., page 12 line 31- page 12a line 1) ; and

displaying a selection menu based on the administration information on the display unit (see e.g., page 12 line 31- page 12a line 1).

VI. Grounds for Rejection to be Reviewed

The following grounds of rejection are requested to be reviewed on appeal:

the rejection of claims 1-3, 8-15 and 20-24 under 35 U.S.C. § 103(a) as being obvious over Ferry et al. (USPN 5,805,677) in view of Tidwell et al. (USPN 6,535,590) and in view of Hsu (USPN 5907604).

VII. Appellants' Argument

A. Applicant's Invention

A typical household includes communication terminals such as landlines and mobile phones as well as an entertainment terminal such as a video terminal or television set (see e.g., page 1 lines 11-17). Most users are well versed in operating and programming the entertainment units (see e.g., page 1 lines 19 -25). However, most users find the operation and programming of the communication terminals to be complicated (see e.g., page 1 lines 35-36). Applicant allows the user to operate and program the communication terminal via the entertainment unit.

In one aspect, the operation of the communication terminal is simplified (see e.g., page 6 lines 29-31). The operation of the communication terminal is simplified by allowing the user control the operation via an interface to the entertainment terminal (see e.g., Fig 3). By way of example, an active entertainment terminal is searched when an incoming call is signaled at the communication terminal (see e.g., page 10, lines 13-20). Call information including information that may be stored on the communication terminal is sent to the found active entertainment terminal and displayed on the screen (see e.g., page 10 line 22 – page 11 lines 3). The user may then select via an interface to the entertainment terminal how to handle the incoming call such as answer, forward to answering machine (see e.g., page 11 line 5 – 19).

In another aspect, the administration of the communication terminal is simplified (see e.g., page 6 lines 29-31). The administration of the communication terminal is also simplified by allowing the user control the administration via an interface to the entertainment terminal, (see e.g., Fig 4). The activation is initiated by the user directly interfacing with the communication terminal (see e.g., page 4 lines 5-17). By way of example, an active entertainment terminal is searched when the user activates the administration function at the communication terminal (see e.g., page 11, lines 25-29). A menu request is sent from the communication terminal to the found active entertainment terminal and displayed on the screen (see e.g., page 12 line 31 – page 12a line 1). The user may then select via an interface to the entertainment terminal changes to be made on the communication terminal wherein the parameter for the change is sent to the communication terminal and changed therein. (see e.g., page 13 line 1 – 10).

Thus, Applicant provides an simplification of operation mode and an administration mode of the communication terminal.

B. Ferry

Calling name is a telecommunication feature that delivers the name of the calling party to the called party. Other telecommunication features deliver other information pertaining to the caller, such as caller ID, which delivers the number of the calling part to the called party. The calling name and the caller ID may be displayed on a screen of the telephone. (col. 1 lines 33-38).

Ferry teaches to combine a video programming source signal, (e.g. cable TV connection, VCR recorder, TV antenna) with caller information from a telephone line to display a combination of the source signal with the caller information (col. 9 lines 52-62). Thus, caller information is displayed in an unobtrusive fashion, allowing the television viewer to continue watching uninterrupted video programming while at the same time seeing the caller information (col. 2 line 66 – col. 3 line 8).

C. Tidwell

Tidwell teaches how to establish telephonic communications through a television and a set top box. Display graphics relating to telephony services may be displayed via the television (see e.g., col. 1 lines 53-55, col. 2 lines 6-8). Via an interface, such as a remote control or keyboard, command signals may activate telephony features (see e.g., col. 2 lines 8-11). For example, a call may be initiated or terminated by the viewer of the television via the interface (see e.g., col. 2 lines 16-23). Additionally, the user of the may receive calls, view caller ID information, access directory information, send and receive E-mails via the interface (see e.g., col. 2 lines 29-40)

D. Hsu

In addition to a caller name or caller ID, Hsu teaches that an image pertaining to the caller may be displayed. The image is displayed on a telephone display device, television set, personal computer or other display coupled to the telephone system. The calling party may define the image to be associated with their Caller ID. The calling party transmits a image over the telephone line prior to, or concurrently with, a telephone call intended to be answered by the receiving party. The image is stored in a storage device coupled to the receiving party's telephone system along with an indication of the Caller ID of the calling party. The next time that the

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calling party calls the receiving party the previously stored image is accessed and displayed (Abstract).

E. The rejection of claims 1-3, 8-15 and 20-24 under 35 U.S.C. § 103(a) as being obvious over Ferry et al. (USPN 5,805,677) in view of Tidwell et al. (USPN 6,535,590) and in view of Hsu (USPN 5907604).

a) Independent claim 1

Applicant's claim 1 recites:

the communication device being a telecommunication system or a telecommunication terminal, comprising:

The Examiner indicates that this is taught by Ferry stating "figure 1, where television and telephones are part of telecommunication systems". Applicant respectfully submits that a television cannot reasonably be considered as a telecommunication system or telecommunication terminal. Applicant discloses that a telecommunication terminal can be landline or mobile telephones (see e.g. page 1 lines 11-17) and that a telecommunications system comprises a plurality of the telecommunications terminals (see e.g., page 6 lines 18-20, 33-35). Applicant further discloses that a television can be an entertainment terminal and not the communication device (see e.g. page 1 lines 11-17).

Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation' (*MPEP 2110.01*)

Moreover, it would be understood by those skilled in the art that the communication device is a separate device than the entertainment terminal. Since Examiner has indicated that the Ferry's television is the entertainment terminal, it is not reasonable that the television also be considered as Applicant's communication device.

Applicant's claim 1 further recites:

an interface . . . the entertainment terminal connected to the communication device via the interface

For the interface the Examiner states "column 2, lines 10-20 and 51-53, where at least the telephone interface provides information, directly or indirectly, to the TV set". Ferry describes in column 2 lines 10-20 a Japanese patent document 1-91560 that describes a circuit for detecting

an incoming telephone call and Ferry states in column 2 lines 51-53 "such as caller identifying information, being transferred through a tele-communication line interface". Applicant respectfully submits that the pertinence of this reference is not apparent and that Applicant is uncertain if the Examiner considers the circuit of the Japanese patent document as the interface or the tele-communication line interface of Ferry.

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. (*MPEP 706*).

Applicant respectfully submits that the Examiner has not described how the circuit (JP 1-91560) would be incorporated into Ferry nor has the Examiner cited the Japanese patent document (JP 1-91560) as prior art. Thus, for the purpose of this Appeal, Applicant assumes that the Examiner intends the interface as the tele-communication line interface 16 of Ferry.

Applicant's claim 1 further recites:

a selection menu based on the administration information is displayed on the active entertainment terminal

The Examiner indicates that this limitation is taught by Ferry stating "Tidwell teaches a selection menu based on the configuration information is displayed on the active entertainment terminal (Column 7, lines 54-62, where the menu provides setting options as well as command options)".

Applicant respectfully submits that Ferry' combines the video programming and information from a telephone line to provide a display of the combined information. In contrast, Tidwell's menu is not information from a telephone line, but is information that is retrieved from memory 32 of the set top box 10 (see e.g., col. 4 lines 49-52). In order to combine Tidwell with Ferry, the video signal would have to be combined with the memory of Tidwell. Applicant respectfully submits that there is no teaching or suggestion to combine the video signal with memory.

Furthermore, Applicant respectfully submits that Tidwell teaches that the menu mode is separate from the display of the video programming, that is, either the menu is displayed or the video programming is displayed. However, an object of Ferry's invention is to allow the

television viewer to continue watching uninterrupted video programming while at the same time seeing the caller information. In contrast, Ferry's menu is obtrusive and does not allow for the viewer to continue to watching the video program uninterrupted. Thus, the combination of Ferry and Tidwell to combine the video signal with memory would result in modification unsatisfactory for the intended purpose of Ferry and therefore there is no suggestion or motivation to combine these references.

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. (*MPEP 2143.01 V*).

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. (*MPEP 2143.01 VI*).

Applicant's claim 1 further recites:

the communication device automatically searches for an active entertainment terminal in response to an activation of an administration mode of the communication device, the administration mode allows the communication device to be administered

The Examiner indicates this limitation is found at column 2 lines 10-20 and 51-53 stating "where programming the telephone to send the calls to the television corresponds to the administration mode". Applicant respectfully disagrees with the Examiner. Neither lines 10-20 or 51-53 of column 2 teach or suggest that a telephone is programmed. Column 2 lines 10-20 describes that a circuit detects the incoming telephone call and output a video band frequency such that the television display characters to indicate the presence of an incoming call. Column 2 lines 51-53 describes that the caller information is provided via the tele-communication line interface. Neither detecting a call presence or providing caller information is a programming of the telephone as indicated by the Examiner. Nor does detecting a call presence or providing caller information indicate an administration mode of communication device. Page 4 lines 6-17 of Applicant specification recites:

the communication terminal or communication system is set up to search for an active entertainment terminal connected to the unit/system upon activation of an administration mode. If, for example on a telephone, the appropriate keys are pressed to preselect the option relating to administration, i.e. relating to programming or management of the

functions, settings, data etc., on the telephone, then the telephone searches for an active, connected entertainment unit, for example a television, which is used for the telephone's administration.

The Examiner states that managing relates to at least 'supervise'. Applicant respectfully submits that one skilled in the art would recognize that the terms programming or managing both refer to changing parameters on the communication terminal. This is further supported by Figure 4 and page 12 line 21- page 13 line 10 which describes an administration. In particular, 4' of Figure 4 and page 13 lines 7-10 show that a parameter is altered at the communication terminal. In contrast, operation of the communication device pertaining to call processing is supported by Figure 3 page 10 line 8 page 12 line 18. Detecting a call presence and providing caller information are part of the operation of the communication device and not an administration of the communication device. Although Applicant discloses both an operation mode and an administration mode the operation mode cannot reasonably be considered the administration mode as claimed in claim 1 (see also, Applicant's Invention on page 7 of the instant Appeal Brief).

Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation' (*MPEP 2110.01*)

Furthermore, "Information which is well known in the art need not be described in detail in the specification" (*MPEP 2163*). Administration is well known in the art and one skilled in the art would not consider the operation of a communication device as an administration of the device.

Applicant's claim 1 further recites:

the activation is initiated by a user directly interfacing with the communication device

The Examiner states "it can be implied by Ferry and Tidwell". Applicant respectfully disagrees. Applicants activation is an activation of the administration mode, the administration mode allows the communication device to be administered. Ferry does not teach or suggest that communication device is administered and therefore does not teach an activation of the administration mode is initiated let alone initiated by a user directly interfacing with the communication device.

The Examiner further indicates that Hsu teaches the above limitation “columns 1, 2 and 4, lines 65-67; 1, 26-42 and 40-45, respectively, e.g., ‘accepting signals from the user input device’ and ‘a user of the PC viewing the display device can click on image icon 256 to receive the incoming call’”. Hsu teaches directly interfacing with the communication device by user input or clicking the icon. However, Hsu’s accepting signals from the user input is to selectively answer the call. Selectively answering the call is not an activation of the administration mode. Furthermore, Hsu’s clicking an image is to receive an incoming call. Receiving an incoming call is not an activation of the administration mode.

Moreover, by accepting the incoming call directly via the communication device Hsu teaches the opposite of Ferry which teaches that the operation of the communication device is via the entertainment terminal without interfacing with the communication device. Thus, there is no motivation to combine the teaching of Hsu with Ferry.

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. (*MPEP 2143.01 V*).

If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. (*MPEP 2143.01 VI*).

Applicant's claim 1 further recites:

the communication device is administered such that at least one parameter of the communication device is changed

The Examiner indicates that Tidwell teaches this limitation “column 8, lines 28-38, where by selecting at item form the menu, the telephone is directed to perform the function an send it back to the TV screen”. As previously stated, Tidwell’s menu’s are obtrusive and thus there would be no motivation to combine the teaching of Tidwell with Ferry. Furthermore, column 8, lines 28-38 describe managing voicemail messages and not that the communication device is administered. The Examiner further states that “the examiner was not able to find in the specifications any specific parameters to consider; therefore, the examiner is giving a broad interpretation to the term, where a ‘parameter’ comprise ‘functions’ therefore, the prior rejection

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still reads on the claimed limitation because it refers to ‘functions’ of the device that are modified”.

Information which is well known in the art need not be described in detail in the specification (*MPEP 2163*).

One skilled in the art would recognize that a parameter is data and that that data is changed at the terminal. Furthermore, one skilled in the art would recognize that performing different functions (Hsu col. 8 lines 30-32) cannot reasonably be considered at least one parameter of the communication device is changed.

For at least the above reasons, Applicant submits that claim 1 is patentable. Furthermore, claims 2-4, 6-15, 18, 20, and 24 which depend on independent claim 1 are also patentable

b) Independent claim 21

The following limitations of claim 21

- “providing a interface”
- “automatically searching for an active entertainment terminal by the communication device in response to an activation of an administration mode of the communication device, the administration mode allows the communication device to be administered”
- “the activation is initiated by a user directly interfacing with the communication device” and
- “displaying a selection menu based on the administration information on the display unit”.

are respectively similar to the following limitations for claim 1

- “an interface”.
- “the communication device automatically searches for an active entertainment terminal in response to an activation of an administration mode of the communication device, the administration mode allows the communication device to be administered”
- “the activation is initiated by a user directly interfacing with the communication device” and
- “a selection menu based on the administration information is displayed on the active entertainment terminal”

For at least the reason presented for these limitations for claim 1, independent claim 21 is patentable. Furthermore, claims 22 and 23 which depend on claim 21 are also patentable.

VIII. Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. The honorable Board is therefore respectfully requested to reverse the rejection of the Examiner and to remand the application to the Examiner with instructions to allow the pending claims. Please grant any extensions of time required to enter this paper. Please charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Acct. No. 19-2179.

Respectfully submitted,

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IX. Claims Appendix

1. A system for connecting, controlling, programming and/or operating at least one communication device, the communication device being a telecommunication system or a telecommunication terminal, comprising:

an interface; and

at least one entertainment terminal having a display unit, the entertainment terminal connected to the communication device via the interface,

wherein the communication device and the at least one entertainment terminal are configured to interchange information via the interface,

wherein the communication device automatically searches for an active entertainment terminal in response to an activation of an administration mode of the communication device, the administration mode allows the communication device to be administered,

wherein the activation is initiated by a user directly interfacing with the communication device,

wherein administration information that provides information for administering the communication device is sent from the communication device to the active entertainment terminal in response to finding an active entertainment terminal,

wherein a selection menu based on the administration information is displayed on the active entertainment terminal, and

wherein a selection of the user is sent from the active entertainment terminal to the communication device and the communication device is administered such that at least one parameter of the communication device is changed.

2. The system as claimed in claim 1, wherein the entertainment terminal has an input facility in order to select from the selection menu displayed on the active entertainment terminal.

3. The system as claimed in claim 1, wherein the entertainment terminal is a television set.

4. The system as claimed in claim 1, wherein the interface is a wireless interface.

5. (canceled)
6. The system as claimed in claim 4, wherein the interface is a high-speed interface.
7. The system as claimed in claim 1, wherein the interface transmission is based on the IEEE 1394 Firewire standard.
8. The system as claimed in claim 1, wherein the at least one communication device searches automatically for an active entertainment terminal connected to the system upon an incoming call.
9. The system as claimed in claim 1, wherein the at least one communication device transmits state-dependent information to an active entertainment terminal.
10. The system as claimed in claim 9, wherein the system has at least one associated database for insert symbols corresponding to the state-dependent information which can be inserted on the entertainment terminal in line with the information transmitted to said entertainment terminal.
11. The system as claimed in claim 10, wherein the database is associated with the at least one communication device.
12. The system as claimed in claim 10, wherein the database is a photograph and/or symbol database and/or a name database.
13. The system as claimed in claim 10 , wherein the database is stored on at least one memory device which is associated with the system.
14. The system as claimed in claim 13, wherein the memory device is in the at least one communication device and connected to the entertainment terminal.
15. The system as claimed in claim 1,

wherein the communications system comprises a plurality of communications devices connected to the at least one entertainment terminal via the interface, and

wherein the interface provides for communication between the plurality of communication devices.

16. (canceled)

17. (canceled)

18. The system as claimed in claim 1, wherein the interface provides a plug and play option such that the entertainment system automatically recognizes a connection of a further communication device to the interface.

19. (canceled)

20. The system as claimed in claim 2,

wherein the input facility communicates with the entertainment system directly via a second interface.

21. A method for programming a communication device, the communication device being a telecommunication system or a telecommunication terminal, the method comprising:

providing a interface connected to at least one entertainment terminal having a display unit and connected to the communication device;

automatically searching for an active entertainment terminal by the communication device in response to an activation of an administration mode of the communication device, the administration mode allows the communication device to be administered, the activation is initiated by a user directly interfacing with the communication device;

sending administration information that provides information to administer the communication device to the entertainment terminal by the communication device; and

displaying a selection menu based on the administration information on the display unit.

22. The method as claimed in 21, further comprising:

sending a selection information from the entertainment terminal to the communication device in response to a selection from a user via an input unit; and

administering the communication device using the selection information such that at least one parameter of the communication device is changed.

23. The method as claimed in 21, wherein the activation is initiated by a user pressing keys on the communication device.

24. The system as claimed in claim 1, wherein the activation is initiated by a user pressing keys on the communication device.

X. Evidence Appendix

None

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XI. Related Proceedings Appendix

None